

RESOLUTION NO- 2011-001

A RESOLUTION OF THE KEY WEST PLANNING BOARD FOR THE REPLACEMENT OF AN EXISTING PATIO WITH A SWIMMING POOL FOR PROPERTY WHICH EXCEEDS THE REQUIRED 60% IMPERVIOUS SURFACE RATIO FOR PROPERTY LOCATED AT 816-818 WHITE STREET (RE#00022250-000000), PURSUANT TO SECTION 122-810 (4)b. UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-810(4) b, of the Code of Ordinances provides that the maximum impervious surface ratio is 60% in the HNC-2 zoning district; and

WHEREAS, the applicant requested a variance to the required impervious surface ratio to replace an existing patio with a swimming pool and composite decking; and

WHEREAS, the applicant proposes to reduce the amount of impervious surface by seven percent from the existing 91.6% to 84.4%; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 20, 2011; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other

THK Vice Chairman

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land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that the literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

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WHEREAS, the Planning Board finds that no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That a variance to the required impervious surface ratio for a project in the Historic Neighborhood Commercial (HNC-2) zoning district for property located at 816-818 White Street (RE # 00022250-000000), per Sections 122-810 (4) b. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown on the attached plan set .

Section 3. It is a condition of this variance that full, complete, and final application for all

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permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which this variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to submit a full and complete application for permits for new construction for which this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.



Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

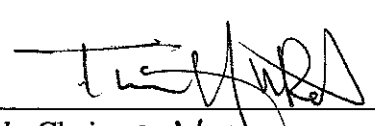
 Vice Chairman
 Interim Planning Director

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a specially scheduled meeting held this 20th day of January, 2011.

Authenticated by the Chairman of the Planning Board and the Planning Director.

 Vice Chairman
 Interim Planning Director


Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

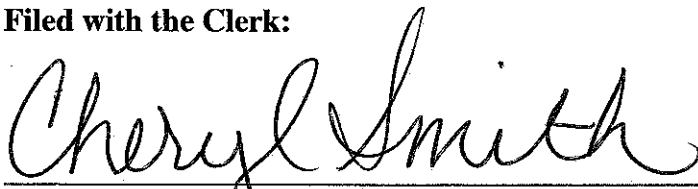


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Donald Leland Craig, AICP
Interim Planning Director

Date

Filed with the Clerk:




2-1-11

Cheryl Smith, City Clerk

Date

____ Vice Chairman

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Interim Planning Director



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

TO: Brendon Cunningham, Planner

FROM: Elizabeth Ignoffo, E.I., Permits Engineer

CC: Doug Bradshaw, Senior Project Manager
Jay Gewin, Utilities Manager
Richard Milelli, P.E., Historic Tours of America

DATE: January 13, 2011

SUBJECT: **818 White Street Stormwater Improvements (Revised)
Review and Comments**



The Stormwater Improvements Plan for 818 White Street, dated January 11, 2011, was reviewed and the following items are noted:

1. Existing site impervious area coverage is 6,612 square feet (91.6%). Proposed site impervious coverage is 6,099 square feet (84.4%), resulting in an impervious area reduction of approximately 520 square feet (7.2% reduction).
2. The project drainage area, as identified on the site plan, Sheet C-1, is 2,900 square feet.
3. The proposed deck approximates 845 square feet and includes a 265-square foot swim/spa pool (impervious). Pavers will be removed to create a 260-square foot gravel parking area (two spaces), incorporating one stormwater seepage drain with dimensions 6' x 16', resulting in an impervious area of 165 square feet. Proposed site improvements will create two impervious areas totaling 430 square feet.
4. Proposed stormwater runoff treatment comprises installation of one seepage drain (perforated pipe will not be installed), conversion of exiting planters into swales with landscaping. Planter/swale volume totals approximates 74 cubic feet. The proposed seepage drain is designed to provide 168 cubic feet of treatment volume. Proposed stormwater treatment volume totals 242 cubic feet.
5. To prevent stormwater runoff from migrating off the site onto the neighboring properties, water deflectors, constructed from 2" x 12' lumber boards, will be installed along the property line.

For the identified drainage area and allowing a 50% credit for utilization of dry retention, the proposed stormwater improvements plan will be adequate to meet the stormwater management requirements of the City of Key West Code of Ordinances, Chapter 108, Article VIII, Stormwater and Surface Water Management.

